IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD

(Special Original Jurisdiction)

MONDAY, THE TWENTY FIRST DAY OF MARCH
TWO THOUSAND AND FIVE

PRESENT

THE HON'BLE MR JUSTICE G. BIKSHAPATHY

And
THE HON'BLE MR JUSTICE P.S.NARAYANA

WRIT PETITION NO : 13919 of 2003

Between:

Smt. V. Kamala W/o. V.B. Rao, Senior Laskar,
Office of the Assistant Engineer, (Buildings) South Central Railway, Hyderabad.

..... PETITIONER

AND

1 The South Central Railway, represented by its Divisional Railway Manager (P), Hyderabad.
2 Chief Personnel Officer, South Central Railway, Rail Nilayam, Secunderabad.
3 Senior Divisional Manager, Coordination, South Central Railway, Hyderabad.
4 Senior Divisional Personnel Officer, (MG), South Central Railway, Hyderabad, Secunderabad.
5 Y.Chandrasekhar S/o. Krishna Sarma, Senior Laskar,
Office of SE/W/R/KCG (Section Engineer Works Revenue) Kachiguda, Hyderabad.

.....RESPONDENTS

Petition under Article 226 of the constitution of India praying that in the circumstances stated in the Affidavit filed herein the High Court may be pleased to issue a Writ of Certiorari or any other appropriate Writ order or direction, after calling for the records relating to the impugned judgment in OA.No.1038/2002 on the file of the Central Administrative Tribunal, Hyderabad Bench at Hyderabad Dt.11/3/2003 and quash the same and consequently direct the respondents to continue the petitioner as Junior Clerk Cum Typist with all consequential benefits.

Counsel for the Petitioner: MR.S.LAKSHMA REDDY

Counsel for the Respondents 1 to 4: MR.A.KRISHNAM RAJU
Counsel for Respondent No.5: MR.A.SIVA.

The Court made the following:

ORAL ORDER: (per GB.J.)

The Writ Petition is filed assailing the order passed by the Central Administrative Tribunal (for short Tribunal) in O.A.No.1038 of 2002, dated 11.3.2003.

2. Though the matter falls in a narrow compass, it has taken considerable time mainly on account of the delay on the part of the Railways. In the instant case, the issue relates to fixation of *inter se* seniority between the petitioner and the 5th respondent. Initially both of them were appointed as Khalasis and subsequently at their request they were sent to different independent Units. The petitioner was sent to AEN., Buildings Department while the 5th respondent was sent to AEN, Water Works. While the petitioner was promoted as Senior Laskar on 24.4.1999, the 5th respondent was not promoted as yet. But, however, by proceedings dated 16.11.2001, the 5th respondent was promoted as Senior Laskar retrospective with effect from 1.1.1998. Consequently the petitioner became junior. Subsequently without notice to the petitioner, the proceedings promoting him as Senior Laskar were cancelled. Therefore the petitioner filed OA.No.1679 of 1999 and the Tribunal, after considering the matter by an order dated 21.11.2000 set aside the order of cancellation on the ground of lack of notice. The following is the extract of the order of the Tribunal:

> "In the result, this OA is disposed of directing the respondents 1 to 4 to promote the applicant to the post of Junior Clerk-cum-Typist on the basis of the proceedings dated 19.11.2001 in place of the 5th respondent with effect from the date on which the 5th respondent has been promoted to the said post. The applicant is entitled to all consequential benefits including arrears of salary and allowances on and from that date. Further, we find it necessary to make it clear that the above promotion to be given to the applicant shall be subject to the final decision which may be taken by the respondents after compliance of the principles of natural justice on the question of inter se seniority between the applicant and the 5th respondent. All the contentions raised in the present OA regarding merit of the claim of the applicant that he must be treated as senior to the 5th respondent are left open. In

the circumstances we direct the parties to bear their respective costs".

Against the above order of the Tribunal, the present Writ Petition has been filed.

3. While admitting the Writ Petition, order of status quo as obtaining on 11.7.2003 was granted by this Court, by which the petitioner was continuing as Junior Clerk. In the wake of the situation, the only issue that arises for consideration is whether the Railways have acted as per the directions granted by the Tribunal, referred to above.

4. Admittedly there is any amount of delay on the part of the Railways in complying with the order of the Tribunal. The only direction was granted by the Tribunal was to give notice to the party concerned and pass appropriate orders. We are unable to understand as to why the delay was caused in this regard. The order was passed on 11.3.2003 by the Tribunal and though more than two years have elapsed, the Railways have not taken any action and it is the time that the General Manager, South Central Railway, should initiate action against the person concerned who caused the delay for complying the order of the Tribunal.

5. Accordingly, while we are not inclined to interfere with the order, the Writ Petition is disposed of by directing the authorities to comply with the order of the Tribunal by issuing notice and passing appropriate orders. The continuance or otherwise of the petitioner will be dependant on the consequential order that may be passed by the authorities. This exercise shall be done within a period of six (06) weeks from the date of receipt of a copy of this order. No costs.

(G.BIKSHAPATHY, J.)

21st March, 2005.

(P.S.NARAYANA, J.)

SSR

..... REGISTRAR

// TRUE COPY //

SECTION OFFICER

To

1 The South Central Railway, represented by its Divisional Railway Manager (P), Hyderabad.
2 Chief Personnel Officer, South Central Railway, Rail Nilayam, Secunderabad.
3 Senior Divisional Manager, Coordination, South Central Railway, Hyderabad.
4 Senior Divisional Personnel Officer, (MG), South Central Railway, Hyderabad, Secunderabad.
5 The General Manager, South Central Railway, Secunderabad.

6 The Registrar, Central Administrative Tribunal, Hyderabad.

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